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**Attorneys for Plaintiff
PAMELA SIMPSON**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PAMELA SIMPSON.

CASE NO.: 15-CV-7771

Plaintiff,

COMPLAINT FOR:

vs.

AMERICAN LEGAL SUPPORT
SERVICES, INC., and DOES 1
through 10, inclusive.

(1) VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

Defendants.

(2) VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

1 Plaintiff Pamela Simpson hereby alleges against defendants American Legal
2 Support Services, Inc., and Does 1 through 10, the following:

3 **OPERATIVE FACTS**

4 1. A debt collector, Midland Funding, LLC, alleged that plaintiff owed a
5 debt for a personal credit card. In 2013, Midland filed a lawsuit, Midland Funding
6 LLC v. Pamela Washington-Jones (Case No. 13N06719) in the Los Angeles Superior
7 Court against plaintiff, to collect the alleged debt. Midland hired defendant
8 American Legal Support Services, Inc. as its agent to serve the summons and
9 complaint on plaintiff. American Legal Support sent its agent Doe No. 1, one J. Cruz
10 whose first name is unknown to plaintiff, to perform the service of process.

11 2. Plaintiff lived in Pooler, Georgia at the time. After making any alleged
12 attempts at service, J. Cruz created a false proof of service affirming under oath that
13 he/she had substitute-served plaintiff by handing the summons and complaint to a
14 “Tina Jones, Daughter/Co-occupant” at 650 West 108th Street, in Los Angeles,
15 California. Plaintiff had not lived at this address since 2007, and had left California
16 in 2010. She has no daughter, and does not know anyone named “Tina Jones.”

17 3. Defendant American Legal Support Services filed the false proof of
18 service with the court. Midland Funding then proceeded to obtain a default judgment
19 against plaintiff, based on the false proof of service. Plaintiff first learned of the
20 lawsuit and judgment in April, 2015, and was forced to hire counsel. Plaintiff
21 promptly filed a motion to set aside the default and default judgment, due to the false
22 proof of service. The Los Angeles Superior Court granted the motion in September,
23 2015.

24 **JURISDICTION AND VENUE**

25 4. The court has original jurisdiction over this matter pursuant to 15 U.S.C.
26 § 1692k(d). The court has supplemental jurisdiction over plaintiff’s state law claims
27 pursuant to 28 U.S.C. § 1337(a).

28

1 5. Venue is proper in the Central District of California because a
2 substantial part of the events or omissions giving rise to the claim occurred in this
3 district. In addition, defendants have sufficient contacts in this district to subject
4 them to personal jurisdiction here.

PARTIES

6. Plaintiff Pamela Simpson is a resident of the state of Georgia, and is
over 18 years of age.

8 7. Defendant American Legal Support Services, Inc. is a Delaware
9 corporation.

10 8. Defendants Does 1 through 10 are persons or entities whose true names
11 and capacities are presently unknown to plaintiff, and who therefore are sued by such
12 fictitious names. Each of the fictitiously named defendants perpetrated some or all of
13 the wrongful acts alleged herein, is responsible in some manner for the matters
14 alleged herein, and is jointly and severally liable to plaintiff. Plaintiff will seek leave
15 of court to amend this complaint to state the true names and capacities of such
16 fictitiously named defendants when ascertained.

17 9. Each of the defendants were the agents and/or employees of each other
18 and were acting in the course and scope of their agency, employment and authority
19 and with the permission and consent of their co-defendants in committing the acts
20 alleged. The defendants are jointly and severally liable to plaintiff.

FIRST CAUSE OF ACTION

(By Plaintiff Against All Defendants For Violations of the Federal Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq)

23 10. Plaintiff realleges and incorporates herein by reference the allegations of
24 each and every paragraph above.

25 11. Plaintiff is a “consumer” who allegedly owed a “debt”, and defendants
26 are “debt collectors”, as those terms are defined at 15 U.S.C. § 1692a.

1 12. Defendants violated 15 U.S.C. § 1692e by creating and filing a false
2 affidavit of service in the Los Angeles County Superior Court.

3 13. Defendants violated 15 U.S.C. § 1692f by using unfair or
4 unconscionable means to collect or attempt to collect an alleged debt.

5 14. Plaintiff is entitled to any actual damages sustained by her as a result of
6 defendants' conduct in an amount according to proof, pursuant to 15 U.S.C. § 1692k.

7 15. Plaintiff is entitled to statutory damages of \$1,000 against each
8 defendant, pursuant to 15 U.S.C. § 1692k. Defendants have frequently and
9 persistently failed to comply with the FDCPA, and have violated the FDCPA
10 intentionally. The nature of defendants' violations justifies the maximum statutory
11 damages award available.

16. Plaintiff is entitled to the costs of the action, together with a reasonable
attorneys fee, pursuant to 15 U.S.C. § 1692k.

14 || WHEREFORE, plaintiff prays for relief as set forth below.

SECOND CAUSE OF ACTION

(By Plaintiff Against All Defendants for Violations of The Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788, et seq.)

17 17. Plaintiff realleges and incorporates herein by reference each and every
18 paragraph set forth above.

18. The California Legislature has found that “unfair or deceptive debt
collection practices undermine the public confidence which is essential to the
continued functioning of the banking and credit system and sound extensions of
credit to consumers.” Cal. Civ. Code § 1788.1(a)(2). It thus enacted the Rosenthal
Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788, et seq. (the “Rosenthal
Act”), to ensure the integrity of our banking and credit industry. Id. § 1788.1(b).

19. Plaintiff is a “debtor” within the meaning of Civil Code § 1788.2(h) in
that she is a natural person from whom a debt collector sought to collect a “consumer
debt” alleged to be due and owing.

1 20. The defendants at all times relevant herein were “debt collectors” within
2 the meaning of Civil Code § 1788.2(c), in that they regularly and in the ordinary
3 course of business, on behalf of themselves or others, engage in acts and practices in
4 connection with the collection of “consumer debt”.

5 21. The purported debt defendants attempted to collect from plaintiff is a
6 “consumer debt” within the meaning of Civil Code § 1788.2(f). Defendants engaged
7 in acts or practices in connection with the collection of money or property which was
8 alleged to be due and owing, by reason of a consumer credit transaction entered into
9 with plaintiff.

10 22. Defendants violated Civil Code § 1788.15(a) by collecting or attempting
11 to collect a consumer debt by means of judicial proceedings when defendants knew
12 that service of process had not been legally effected.

13 23. Defendants violated Civil Code § 1788.17, incorporating by reference
14 15 U.S.C. § 1692e, by creating and filing a false affidavit of service with the Los
15 Angeles County Superior Court.

16 24. Defendants violated Civil Code § 1788.17, incorporating by reference
17 15 U.S.C. § 1692f, by using unfair or unconscionable means to collect or attempt to
18 collect an alleged debt.

19 25. As a proximate result of defendants’ violations of the Rosenthal Act,
20 plaintiff has been damaged in amounts which are subject to proof.

21 26. Plaintiff is entitled to recover her actual damages pursuant to Civil Code
22 § 1788.17, incorporating by reference 15 U.S.C. § 1692k(a)(1), or in the alternative,
23 Civil Code § 1788.30(a).

24 27. Defendants’ violations of the Rosenthal Act were willful and knowing.
25 Plaintiff is entitled to recover statutory damages of \$1,000 per defendant pursuant to
26 Civil Code § 1788.17, incorporating by reference 15 U.S.C. § 1692k(a)(2)(A), and
27 Civil Code § 1788.30(b).

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1 28. Plaintiff is entitled to recover her attorneys fees and costs pursuant to
2 Civil Code § 1788.17, incorporating by reference 15 U.S.C. § 1692k(a)(3), or in the
3 alternative, Civil Code § 1788.30(c).

4 WHEREFORE, plaintiff prays for relief as set forth below.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, plaintiff prays for the following relief:

7 1. For actual damages;
8 2. For statutory damages;
9 3. For pre-judgment interest to the extent permitted by law;
10 4. For an award of attorneys' fees, costs and expenses incurred in the
11 investigation, filing and prosecution of this action; and
12 5. For such other and further relief as the Court may deem just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff hereby demands a trial by jury under the United States Constitution.

16 Dated: October 3, 2015

TRUEBLOOD LAW FIRM

18 /s/
19 Alexander. B. Trueblood

20 Attorneys for Plaintiff
PAMELA SIMPSON

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